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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|----------------------|------------------|
| 09/982,797 | 10/22/2001 | Claude Ricard | RICARD 5 | 8558 |
| 7590 | 09/21/2004 | | EXAMINER | |
| BROWDY and NEIMARK Suite 300 624 Ninth Street N.W. Washington, DC 20001-5303 | | | RUHL, DENNIS WILLIAM | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3629 | |

DATE MAILED: 09/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|-------------------------|------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 09/982,797 | RICARD, CLAUDE |
| | Examiner Dennis Ruhl | Art Unit 3629 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-21 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-21 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

Art Unit: 3629

1. The abstract of the disclosure is objected to because it is more than one paragraph in length and reads like a claim. An abstract is to be limited to one paragraph only. In addition, the abstract is not supposed to read like a claim or contain legal phraseology. Correction is required. See MPEP § 608.01(b).

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 5,8-11,16-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

For claim 5, what is “the latter”? It seems this is a reference to the taximeter itself, and if this is correct, the claim needs to be amended to correct this language. Technically, there is no antecedent basis for “the latter” and it is not really clear as to what this refers to.

For claims 8,9, it is not clear what “the latter” is. What is signaled by the taximeter? The scope of these claims is not known.

For claim 16, what is meant by “secure connections that cannot be unplugged other than deliberately”? What does this lend to the claim?

For claim 17, what does “wherein it consists” refer to? The process?
Clarification/correction is required.

Art Unit: 3629

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pomerantz (6122591) in view of Gerst (4217484) and further in view of Jackson (4953165).

For claims 1,4-15, Pomerantz discloses a taximeter for a taxi. The taximeter is 11 and has a display¹⁵ and a printer 16. The taximeter is provided with features that allow it to monitor the vehicle and determine whether a potential fraud exists in the operation of the taxi (i.e. taking a longer than needed route, etc.). Pomerantz discloses that if fraud is suspected the indication of fraud (anti-fraud action) can be done in various forms such as transmission of information to the taxi company, information on the display, or a printout from the printer. Pomerantz specifically discloses in column 4, lines 27-28 that a receipt is printed for the customer so they can take the receipt to the taxi company to resolve the issue. Pomerantz recognizes the printing of a receipt in the event of possible fraud, where the receipt is to be used by the customer for resolution with the taxi company. Pomerantz does not disclose the step of detecting the disconnection of the printer head of the printer as claimed.

Gerst discloses a taximeter system that has anti-fraud detection measures. The taximeter system "*detects tampering and circuit faults automatically, displays a tamper number on the meter fare display that indicates the specific tamper or fault, displays*

meter operation on the taxi toplight, including tampering, *disables the taximeter from operation in the even of a tamper or fault*". The taximeter system automatically checks the various electrical circuits of the system for fraud and when possible fraud is detected, the system takes anti-fraud action.

Jackson discloses a diagnostic system for a computer system. The diagnostic system checks hardware such as displays, printers, input devices and other peripheral units. Jackson tests the devices by sending out a signal and comparing a received signal to standard ones. If there is any difference in the compared signals, an alarm is signaled that indicates a problem with a certain device. Jackson specifically discloses the testing of a printer to make sure it is working properly.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the system of Pomerantz with a system that can detect tampering and circuit faults automatically as is disclosed by Gerst so that the system of Pomerantz has a way to be monitored to prevent tampering with the circuits of the system. It would have also been obvious to disable the system in the event of suspected fraud or circuit faults as is disclosed by Gerst. It would have further been obvious to one of ordinary skill in the art to provide Pomerantz with a diagnostic routine that includes a way to test the printer of the system to make sure it is working properly as is disclosed by Jackson. Because Pomerantz discloses that the printer plays an important role in antifraud action (by the printing of a ticket for the customer to reconcile with the taxi company) it would have been obvious to one of ordinary skill in the art to want to verify that the printer is working properly (includes printer head). If the fraud

detection or circuit fault occurs during the "for hire" status of the taxi and the system is disabled, it cannot be put into the "tariff" position.

For claim 2, the above combination results in the taximeter being disabled (neutralized) upon detection of possible fraud or circuit fault. Because the taxi driver may perpetrate the fraud, it is considered obvious to one of ordinary skill in the art at the time the invention was made to require a taxi authority (i.e. taxi company employee) to reset the system. Clearly if you suspect fraud and it may be the taxi driver, you would not give the driver the ability to reset the system themselves. This would defeat the purpose of the anti-fraud action and detection measures.

For claim 3, the 103 combination results in the occurrence of printer disconnection being saved in memory.

For claim 16, printers inherently have connectors that connect the plugs or wires to the printer so it can get power and receive the data it is supposed to print.

For claim 17-21, the 103 combination inherently checks for paper in the printer. No diagnostic printing can be done with no paper and this would be detected by the diagnostic routine. You cannot verify printing of characters if you cannot print. Antifraud action would then be performed since the printer would not be capable of functioning properly.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Mattori (4208664), Murphy (5917434; 6087965)), Ricard (6474552; 5629856; 6109520; 4389563; 4998205), van Zeggeren (5121097; EP

0365097), Smith et al. (6430496), Adams et al.(4574189), Nicholson et al. (6557120), and Day et al . (EP 1001362) disclose various taxi systems, some of which have anti-fraud measures to detect and address possible fraud.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis Ruhl whose telephone number is 703-308-2262. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 703-308-2702. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DENNIS RUHL
PRIMARY EXAMINER